IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 14705 of 2004

Between:

M/s. Jawaharlal Nehru Educational Society, Vemulawada,

Karimnagar District
Rep. by its Secretary Mr. E. Narahari Sharma.

..... PETITIONER

AND

1 The Regional Provident Fund Commissioner, Barkatpura, Hyderabad.
2 The Assistant Provident Fund Commissioner, Sub-Regional Office, Warangal.
3 The Enforcement Officer, Employees Provident Fund Organisation, Behind Natraj Talkies, Karimnagar Town and District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a direction, writ or order, particularly, one in the nature of Certiorari calling for the records pertaining to the orders dt. 25.3.2004 in Appeal No. AP/SRO/2L/EMF/KRN/42538/7A Order/2004/5308 issued by the respondent No.2 i,e., Assistant Provident Fund Commissioner not considering the grounds raised by the Petitioner society regarding applicability of the Act and other grounds as arbitrary and illegal and the same may be quashed and also proceedings dt. 20.7.2004 bearing NO. AP/SRO/WGL/42538/Eng/KRN/2004/1289 issued by the Assistant Provident Fund Commissioner, AP., Warangal i.e., Respondent No.2 freezing Petitioners Society Bank accounts bearing SB A/c No. 7781, Andhra Bank, Vemulawada and SB Account No. 01100050486 of State Bank of Hyderabad,

Vemulawada, Karimnagar District and SB Account No. 5713 of Vijaya Bank, Vemulawada, Karimnagar District may be declared as illegal. b) granting all consequential benefits. c) awarding costs.

Counsel for the Petitioner:MR.M.RAMA RAO

Counsel for the Respondents: MR.R.N.REDDY, Standing Counsel.

The Court at the stage of admission made the following ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

It is fairly well settled in **BOMBAY METROPOLITAN REGION DEVELOPMENT AUTHORITY, BOMBAY v. GOKAK PATEL VOLKART LIMITED AND OTHERS** that when the appeal before the statutory authority is pending, the writ petition for the same purpose cannot be entertained. At the most, this Court can direct the authorities to dispose of the appeal pending.

In view of the same and since the Presiding Officer appointed to the appellate Tribunal has not taken charge, interest of justice would be met, if the petitioner deposits 50% of the amount due as per the assessment order dated 25-03-2004 passed by the second respondent under Section 7-A of the Employees Provident Fund and Miscellaneous Provisions Act, 1952, within a period of six weeks from today. Further proceedings pursuant to the impugned orders are stayed till the disposal of the appeal. On such deposit, the appellate Tribunal shall proceed to decide the same without insisting for deposit of the 75% of the amount.

With the above observation, the writ petition is
disposed of. No costs.

19th JULY, 2004.

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To

1 The Regional Provident Fund Commissioner, Barkatpura, Hyderabad.
2 The Assistant Provident Fund Commissioner, Sub-Regional Office, Warangal.
3 The Enforcement Officer, Employees Provident Fund Organisation, Behind Natraj Talkies, Karimnagar Town and District.

4 Two CD copies.